

Attorney Docket No. P42685

REMARKS/ARGUMENTS**1.) Claim Amendments**

Claims 1-25 and 27-40 are pending in the application. The Applicants have canceled claim 26 and amended claims 1-3, 7-17, 20-25, 27-29, 34, 35, and 37-40. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 102(b)

In paragraphs 4-5 of the Office Action, the Examiner repeated his rejection of claims 1-17, 19-31 and 33-36 under 35 U.S.C. § 102(b) as being anticipated by Holler, et al. (WO 98/28884). The Applicants have amended the claims to better distinguish the claimed invention from Holler. The Examiner's consideration of the amended claims is respectfully requested.

In the Examiner's response to the Applicant's arguments filed 24 August 2004, the Examiner noted that claim 1 did not specifically recite any limitation that requires the narrowband switches to physically switch actual traffic. The Applicants have amended the independent claims to delete the broad term "communication" and substitute "traffic call" instead. The specification distinguishes between call connections and control connections so that it is clear that call connections carry traffic calls and control connections carry control signaling. (See, e.g., page 23, lines 10-19; page 63, lines 12-14; page 64, lines 11-14; page 65, lines 14-17; page 68, line 8 to page 69, line 13).

The Applicants note that Holler discloses a networking system that has been fully migrated from STM switching to ATM switching. Calls originating in an STM narrowband network are routed over an ATM broadband network, and no STM switching is required. (See Abstract). Holler states, "This object and others are obtained by using ATM as the switching mechanism and at the same time providing all existing value added telephony services to an ATM based network." (Page 3, lines 9-11). "All traffic is then directed directly to the output port from the incoming port through the ATM network." (Page 3, lines 23-24). All of the text and figures in Holler illustrate

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how the switch emulators and broadband terminals function to perform the interworking of terminals so that narrowband calls can enter and exit the ATM network at the proper points.

Regarding Holler, the Examiner states, "As can be seen in Figure 2, the logical node represented by narrowband component (213) and broadband component (217) may receive and forward communications in either a narrowband format or broadband format to another logical node, represented by (215) and (219)." However, Applicants note that the arrows between the components of the narrowband network are labeled "Call Control". This indicates call control *signaling* required for call control and value added services, not *traffic switching*. As noted above, Holler expressly states that all switching is performed in the ATM network.

The claimed invention, on the other hand, is an intermediate arrangement that enables a network operator to continue to perform STM switching for STM traffic while also performing ATM switching for traffic destined to nodes that are ATM capable. The narrowband component includes the switching intelligence to determine whether to route a traffic call utilizing narrowband communications or utilizing broadband communications. Thus, a network can be migrated from pure STM switching toward ATM switching using the Applicants' intermediate arrangement.

Independent claims 1, 8, 17, 23, 25, 34, and 37 have all been amended to recite that when a first traffic call, destined for a node that has only narrowband capabilities, is received in the narrowband component, the switching intelligence in the narrowband component utilizes the narrowband switching fabric to route the first traffic call to the narrowband destination node. When a second traffic call, destined for a node that has broadband capabilities, is received in the narrowband component, the switching intelligence in the narrowband component utilizes the broadband switching fabric in the broadband component to route the second traffic call to the broadband destination node. Holler does not teach or suggest a system in which actual traffic is switched to either narrowband switching fabric or broadband switching fabric, depending on whether the destination node has only narrowband capabilities or whether the destination has broadband capabilities. Therefore, the withdrawal of the rejection under § 102 and the allowance of independent claims 1, 8, 17, 23, 25, 34, and 37 are respectfully requested.

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Claims 2-7, 9-17, 19-22, 24, 26-31, 33, 35, and 36 depend from the amended independent claims and recite further limitations in combination with the novel and unobvious elements of the amended independent claims. Therefore, the allowance of claims 2-7, 9-17, 19-22, 24, 26-31, 33, 35, and 36 is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 103(a)

In paragraphs 6-7 of the Office Action, the Examiner repeated his rejection of claims 37-40 under 35 U.S.C. § 103(a) as being unpatentable over Holler in view of Allen, Jr., et al. (US 2001/0017861). The Applicants contend that the amendment of independent claim 37 to recite that a traffic call is switched rather than a "communication", distinguishes claim 37 from the cited references for the reasons discussed above and in Applicants' previous response. Therefore, the withdrawal of the rejection and the allowance of amended claim 37 are respectfully requested.

Claims 38-40 depend from amended claim 37 and recite further limitations in combination with the novel elements of claim 37. Therefore, the allowance of claims 38-40 is respectfully requested.

In paragraph 8 of the Office Action, the Examiner repeated his rejection of claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Holler and further in view of Allen. However, claim 18 depends from amended claim 17, and is allowable for the reasons discussed above for claim 17. Therefore, the allowance of claim 18 is respectfully requested.

In paragraph 9 of the Office Action, the Examiner repeated his rejection of claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Holler. However, claim 32 depends from amended claim 25, and is allowable for the reasons discussed above for claim 25. Therefore, the allowance of claim 32 is respectfully requested.

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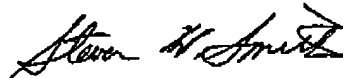
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CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-25 and 27-40.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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Date: 2-17-2005

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